

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

-v. -

VLADIMIR TSASTSIN,

Defendant.

: **CONSENT PRELIMINARY
ORDER OF FORFEITURE/
MONEY JUDGMENT**

: **S2 11 Cr. 878 (LAK)**

:

----- X

WHEREAS, on or about November 1, 2011, VLADIMIR TSASTSIN (the "defendant") was charged, among others, in a twenty-seven count Superseding Indictment (the "Indictment") with conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349 (Count One); conspiracy to commit computer intrusion, in violation of 18 U.S.C. § 1030(b) (Count Two); wire fraud, in violation of 18 U.S.C. §§ 1343 and 2 (Count Three); computer intrusion furthering fraud, in violation of 18 U.S.C. §§ 1030(a)(4), 1030(c)(3)(A), and 2 (Count Four); computer intrusion by transmitting data, in violation of 18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(A)(i)(I), and (VI), (c)(4)(B)(i) and 2 (Count Five); money laundering, in violation of 18 U.S.C. §§ 1956(a)(2)(A) and (2) (Count Six); and engaging in monetary transactions in property derived from specified unlawful activity, in violation of 18 U.S.C. §§ 1957 and 2 (Counts Seven to Twenty-Seven);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One and Three, seeking forfeiture to the United States, pursuant to 18 U.S.C. § 982 (a)(1)(C) and 28 U.S.C. § 2461, of all property real or personal, which constitutes and is derived from proceeds traceable to the wire fraud offenses charged in Counts One and Three;

WHEREAS, the Indictment included a forfeiture allegation as to Counts Two, Four and Five, seeking the forfeiture to the United States, pursuant to 18 U.S.C. § 982(a)(2)(B), of any

property constituting, and derived from, proceeds obtained directly and indirectly as a result of the computer intrusion and fraud offenses charged in Counts Two, Four and Five;

WHEREAS, the Indictment included a second forfeiture allegation as to Counts Two, Four and Five, seeking the forfeiture to the United States, pursuant to 18 U.S.C. § 1030(i), of their interests in any personal property that was used and intended to be used to commit and to facilitate the commission of the computer intrusion and fraud offenses;

WHEREAS, on July 8, 2015, the defendant pleaded guilty before the Honorable Michael H. Dolinger, United States Magistrate Judge for the Southern District of New York, to Counts One and Two of the Indictment and admitted the forfeiture allegations as to Counts One and Two, pursuant to a plea agreement with the Government wherein the defendant agreed to forfeit a sum of money equal to \$2,500,000 in United States currency (the "Money Judgment"); and

WHEREAS, on August 11, 2015, this Court accepted the defendant's guilty pleas to Counts One and Two of the Indictment; and

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$2,500,000 in United States currency representing the amount of proceeds obtained as a result of the offense charged in Counts One and Two of the Indictment;

IT IS HEREBY STIPULATED AND AGREED, by and between the plaintiff, United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorney Sarah Y. Lai and Alexander Wilson, of counsel, and the defendant, and his counsel, Jeremy Schneider, Esq., that:

1. As a result of the offenses charged in Counts One and Two of the Indictment, to which the defendant pleaded guilty, a Money Judgment in the amount of \$2,500,000 shall be

entered against the defendant, as part of his criminal sentence joint and several with his co-defendants with any such obligation.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, this Order is final as to the defendant, VLADIMIR TSASTSIN, and shall be deemed part of the sentence of the defendant and shall be included in the judgment of conviction therewith.

3. Upon execution of this Consent Preliminary Order of Forfeiture/Money Judgment and pursuant to Title 21, United States Code, Section 853, the United States Marshals Service (or its designee) shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

4. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, and made payable, in this instance to the United States Marshals Service (or its designee), and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007, and shall indicate the defendant's name and case number.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

6. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander Wilson, Money Laundering and Asset Forfeiture Unit, United States Attorney's Office, One Saint Andrew's Plaza, New York, New York 10007.

AGREED AND CONSENTED TO:

PREET BHARARA

United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By: 

SARAH Y. LAI/ALEXANDER WILSON
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-1944

7/8/2015
DATE

DEFENDANT

By: 

VLADIMIR TSASTSIN


7/8/15
DATE

By: 

JEREMY SCHNEIDER, ESQ.

7/8/15
DATE

SO ORDERED:


HONORABLE LEWIS A. KAPLAN
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK

4/20/16